

delay and reorganization of the Senate and the wait for the ABA peer reviews, which cannot begin now until after the nomination. The average length of time between nomination and confirmation of those circuit court nominees approved during President Clinton's most recent term was 343 days. That is a year—average.

Accordingly, even with all the delays caused by Republicans, this Senate is acting on court of appeals nominees, on average, 8 months faster than the Republican Senate acted on Clinton nominations during the last 4 years—when they acted at all.

More than half—56 percent—of President Clinton's court of appeals nominations in 1999–2000 were not confirmed. More than one-fifth of President Clinton's judicial nominees—68—never got a committee hearing, and certainly not a committee vote from the Republican majority. No one on the Republican side has conceded that the Republican Senate did anything wrong over the last 6 years in its handling of the judicial nominations. I guess they accept 343 days as being fairly good.

Chairman LEAHY and the majority now are ahead of the pace of the Republican Senate—it is not even a close race—and we should not be criticized for doing far better than our predecessors. Of the 31 district court nominees pending, 14 do not have completed paperwork with ABA ratings, 5 had hearings, 4 are scheduled for hearings this week—and I talked about those—and 10 or more will be included the rest of this month and next month.

Mr. President, having made this case, hopefully showing that the effort to have Senator DASCHLE change what we are doing on the floor as a result of Chairman LEAHY not doing what he is supposed to do is not going to work. Having laid this out, this is not payback time. We are not going to use their model. They should use it when they are trying to make apples out of oranges, but we are not going to go for that. We are going to treat the Republicans like they did not treat us. We are going to do everything we can to get every judicial nomination completed as quickly as we can. That is our responsibility, and we are going to live up to it. It would be easy to do what was done to us—that is, hold them, hold them, until the very last, and then let some go—not very many but a few. We have not done that.

We have approved scores of ambassadors. Chairman BIDEN has been exemplary. All the other committees have voted out people as quickly as they could. I had a hold on someone in the Environmental Protection Agency. I got a call from Governor Whitman. I had questions. She answered them on the phone and we did it within a day or two. It would have been easy to say, well, that is what they did to us. But we are not doing that, Mr. President. We are getting these judges out as quickly as we can.

All the screaming and yelling and saying we are not going to let the ap-

propriations bills move—they can do that. We are doing the best we can.

Someone on the other side said we are going to have some meetings. We are going to have meetings, but not on that, Mr. President. I have spoken to the majority leader, and he recognizes these appropriations bills are very important. But they are the President's bills, not our bills. If he wants these lumped into some big thing—and he is over in China now. We have the foreign operations bill being held up, and he is meeting with 21 other world leaders there, many of whom get benefits from the bill we are trying to pass. But we can't because there is a filibuster.

I practiced law. I argued cases in the Ninth Circuit. I tried lots and lots of cases. I know how important it is to have judges—good judges—as many as you can get. Justice delayed is justice denied, and we know that. We are going to do the best we can to make sure there is no justice delayed. But let's use common sense.

Why hold up these appropriations bills? It is not going to speed things up. Now we are going into the third week with a filibuster. It is wrong, and I am very sorry it is happening. But no one is going to denigrate PAT LEAHY while I still have an ounce of breath left in my body.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BASE CLOSURES

Mr. LEVIN. Mr. President, on Tuesday, I received a letter on a very important subject that I wish to bring to the attention of my colleagues.

The House of Representatives and the Senate are currently meeting in joint conference committee on the National Defense Authorization Act for Fiscal Year 2002. This bill has many provisions that are very important to our military and to our Nation, but one of the most important of these is a provision authorizing the President to conduct a new round of base closures in 2003.

The Senate voted to support the request of the administration and of our military leaders to allow the Department of Defense, DOD, to rationalize, and where necessary reduce, their infrastructure. Allowing DOD to conduct a new round of base realignment and closures is necessary to stop wasting taxpayer money, to redirect funds to higher national security priorities, and to allow the transformation of our military. Transformation has never meant just buying new weapons.

The letter I received is signed by eight former Secretaries of Defense.

They write to tell the Congress that we must act to allow DOD to ensure our base structure supports for our forces and our war fighting plans. They warn us that forces tied up defending unneeded bases "are forces unavailable for the campaign on terrorism" and that resources devoted to unneeded facilities cannot be spent on the tools we will need to win this war.

This letter is signed by Robert McNamara, Mel Laird, Jim Schlesinger, Harold Brown, Caspar Weinberger, Frank Carlucci, Bill Perry, and our former colleague Bill Cohen. I might add that two other former Secretaries of Defense, Vice President CHENEY and our current Secretary Donald Rumsfeld, have asked the Congress for this authority on behalf of this administration.

Every living current or former Secretary of Defense is telling us it is essential that we act to reduce our excess infrastructure. The Congress should listen to the voice of experience on this matter. These are the men who have had the awesome responsibility of protecting our Nation's security and running one of the world's largest, most complex organizations. These are the men who have been in the chain of command, who have had to make life and death decisions. When they tell us we need to act, we should listen, and we should act.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 15, 2001.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter underscores the need for the Congress to approve an additional round of base realignment and closure. While we understand the sensitivity of this effort, our support for another round is unequivocal in light of the terrorist attacks of September 11, 2001. The Defense Department must be allowed to review its existing infrastructure to ensure it is positioned to support our current and evolving force structure and our war fighting plans.

We are concerned that the reluctance to close unneeded facilities is a drag on our military forces, particularly in an era when homeland security is being discussed as never before. The forces needed to defend bases that would perhaps otherwise be closed are forces unavailable for the campaign on terrorism. Further, money spent on a redundant facility is money not spent on the latest technology we'll need to win this campaign.

We thank you for all you have done to provide for our military forces, the finest in the world. We know closing or realigning bases will be difficult, but we expect you will face many difficult decisions in the coming weeks and months. With the support of Secretary Rumsfeld, together we stand ready to assist in any we can.

Sincerely,
William J. Perry, Casper W. Weinberger,
James Schlesinger, Robert S. McNamara, William S. Cohen, Frank C. Carlucci, Harold Brown, Melvin Laird.